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ONE HUNDRED EIGHTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON THE JUDICIARY

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August 31, 2004

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The Honorable F. James Sensenbrenner, Jr.  
Chairman  
Committee on the Judiciary  
2138 Rayburn House Office Building  
Washington, D.C. 20515

Dear Mr. Chairman:

I write to ask that the Judiciary Committee commence an immediate full investigation and examine substantial and credible evidence that Pentagon officials have engaged in criminal wrongdoing in their handling of classified material and have engaged in unauthorized covert activities.

Press reports have recently disclosed that the Federal Bureau of Investigation is currently examining whether a Pentagon analyst, Larry Franklin, illegally passed along a classified document involving the policy of the United States toward Iran. It is not yet known whether Mr. Franklin was acting on his own, or whether he was acting at the behest of his superiors. The fact that a rogue element of the United States government may have been working with a foreign government in possible contravention of current foreign policy is a grave matter that should be of concern to every American.

Unfortunately, based on media accounts, it now appears that these allegations may be only the tip of the iceberg of a broader effort of Pentagon employees working in the office of the Undersecretary of Defense for Policy, Douglas Feith, to conduct unauthorized covert activities, without the knowledge of the Central Intelligence Agency. According to press accounts, it also appears that these activities may have involved other disclosures of classified information to foreign governments<sup>1</sup> and the falsification of documents.<sup>2</sup> In addition, these activities may well

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<sup>1</sup>18 USC sec. 793 (Gathering, transmitting or losing defense information); 18 USC 794 (Gathering or delivering defense information or aid to a foreign government).

<sup>2</sup>Id.

constitute criminal misappropriation of federal funds.<sup>3</sup> All of these allegations, if true, involve potential violations of federal criminal law and are, therefore, within the jurisdiction of the Judiciary Committee.

To fully investigate these allegations, I would suggest that the Committee examine the following questions:

(1) Did Pentagon officials illegally give classified information to Members of the Iraqi National Congress or to discredited Iraqi exile Ahmed Chalabi? Were White House officials, including officials in the Office of the Vice President, aware of such activities? Did Mr. Chalabi then pass along such materials, including information that the United States had broken Iran's communications codes, to Iran?

(2) Did Pentagon officials illegally obtain and disseminate false intelligence information to further the (now discredited) assertion that Saddam Hussein possessed weapons of mass destruction? Were Pentagon officials either the conduits for or originators of documents claiming Iraq had made efforts to acquire such records, including fraudulent documents claiming Iraq had attempted to buy weapons grade uranium from Niger? Were White House officials, including officials in the Office of the Vice President, aware of such activities? What role (if any) did officials in the NSC, including Elliott Abrams, have in these actions?

(3) Did Pentagon officials conduct illegal and unauthorized meetings with foreign nationals, including Iranian and Syrian nationals, to plan or direct covert activities against foreign governments? Did Pentagon officials provide monetary or other assistance to such foreign nationals, including a known arms dealer, Manucher Ghorbanifar? Did such meetings involve any foreign intelligence officials, including the head of Italian military intelligence (SISMI), or other foreign military officials? What role (if any) did officials in the NSC, including Elliott Abrams, have in these actions?

(4) Did Pentagon officials obtain information about the covert status of Central Intelligence Agency operative Valerie Plame? Was such information obtained illegally? Was such information illegally shared with White House officials, including officials in the Office of the Vice President?

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<sup>3</sup>50 USC 504 stipulates that no appropriated funds could be used for covert activities "until the president finds that each such action is important to the national security of the United States and reports, in a timely fashion, a description of such operations to the appropriate congressional committees." See also 31 USC 1301.

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While I am fully cognizant that many of these activities may be the subject of an ongoing criminal investigation, there is ample precedent that such an investigation does not preclude, and will not be interfered with as a result of, a concurrent congressional investigation. Recently, when allegations were made about the mishandling of classified information in the National Archives by a former Clinton Administration official, you and other Committee Chairmen affirmed this principle.

I urge you to treat this request with the utmost importance. These matters may well constitute the greatest subversion of our democracy and compromising of our national security since the Iran-Contra affair. It is of paramount importance that our committee begin work on this matter immediately.

Thank you for your attention to this request. If you or your staff have any questions, please contact me, Perry Apelbaum, or Ted Kalo of my Judiciary staff at 225-6504.

Sincerely,

A handwritten signature in dark ink, appearing to read "John", with a large, sweeping loop that extends downwards and to the left, ending in a small circle.

John Conyers, Jr,  
Ranking Member